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7 *Attorneys for Defendants Gavin Newsom and the*
California Department of Corrections and
8 *Rehabilitation*

9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND DIVISION
12

13 **JOHN ARMSTRONG, et al.,**

14 Plaintiffs,

15 v.

16 **GAVIN NEWSOM, et al.,**

17 Defendants.
18
19

Case No. 94-cv-02307 CW

**DECLARATION OF F. ORR IN
SUPPORT OF DEFENDANTS' SUR-
REPLY TO PLAINTIFFS' MOTION FOR
A PERMANENT INJUNCTION AT
SEVEN PRISONS AND STATEWIDE**

20 I, F. Orr, declare:

21 1. I am employed with the California Department of Corrections and Rehabilitation
22 (CDCR). I currently work at Mule Creek State Prison. I am a Correctional Officer. I am
23 competent to testify to the matters set forth in this declaration and, if called upon by this Court, I
24 could and would so testify. I submit this declaration in support of Defendants' Sur-Reply to
25 Plaintiffs' Motion for an Injunction at Seven Prisons and Statewide.

26 2. On August 27, 2020, while performing my duties as the A-Facility Clinic Officer, I
27 heard a radio transmission for a Code 1 response to a resistive inmate. I retrieved a wheelchair
28 from the Clinic and went toward Building 5. I met several escorting officers and a resistive

1 inmate (later identified as Inmate [REDACTED]) on the track nearest to the
2 Enhanced Outpatient Treatment Center.

3 3. Inmate [REDACTED] was assisted to his feet and placed in the wheelchair without resistance
4 by the escorting officers.

5 4. I pushed Inmate [REDACTED] to the A-Facility Clinic for a medical evaluation. Once
6 Licensed Vocational Nurse (LVN) Baguion completed the Medical Evaluation, I escorted
7 Inmate [REDACTED] to the A-Facility Program Office. Officer Winkler assisted Inmate [REDACTED] out of the
8 wheelchair. I returned to the clinic.

9 4. I wrote an incident report documenting this incident the same day, August 27, 2020.
10 Attached to this declaration as **Exhibit A** is a true and correct copy of my report. This report
11 accurately describes what I observed that day, and I incorporate the contents of my report into this
12 declaration by reference.

13 I declare under penalty of perjury that the foregoing is true and correct. Executed on
14 November 16, 2020, in Ione, California.

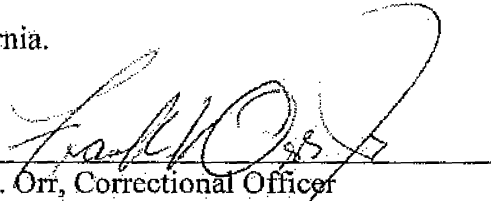
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16 
17 F. Orr, Correctional Officer
18 Mule Creek State Prison
19 California Department of Corrections and Rehabilitation
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EXHIBIT A

CDCR

INCIDENT REPORT PACKAGE

PAGE: 19

REPORT NO. [REDACTED]

INCIDENT LOG NUMBER: [REDACTED]

PROCESSED: 10/02/2020 12:42

REQUESTOR: E. Laird

STAFF NARRATIVE

STAFF NAME: Mctaggart, K [REDACTED]

NARRATIVE TYPE: Supplemental Report

CREATED DATE: 09/02/2020

CREATED TIME: 09:21:16

NARRATIVE

Q1. Did you observe inmate [REDACTED] resisting again after being placed in handcuffs?

A1. No, after inmate [REDACTED] was assisted to the prone position I responded to the outside front of Building 5 to turn off the audible alarm. After returning to the incident location in Building 5 Dayroom, inmate [REDACTED] was assisted back to the prone position and Officer Cook applied the leg restraints. Due to my location in front of the Officer's podium and responding staff blocking my view, I was unable to see if inmate [REDACTED] resisted while applying leg restraints.

K. Mctaggart

DATE: 09/02/2020

STAFF SIGNATURE

BADGE #: 85546

PERNR: 94706

NARRATIVE REVIEWED: Yes

REVIEWED BY STAFF: Quiring, J [REDACTED]

REVIEWED DATE: 09/02/2020

REVIEWED TIME: 09:41:42

STAFF NAME: Orr, F [REDACTED]

NARRATIVE TYPE: Initial Report

CREATED DATE: 08/27/2020

CREATED TIME: 12:40:12

NARRATIVE

On Thursday , August 27, 2020 at approximately 0824 hours, while performing my duties as A-Facility Clinic Officer, I heard a radio transmission for a code 1 response for a resistive inmate. I retrieved a wheelchair from the clinic and responded toward building 5 meeting several escorting officers and a resistive inmate [REDACTED] on the track nearest the EOP center. Inmate [REDACTED] was assisted to his feet and placed in the wheelchair without resistance by many escorting officers. I pushed inmate [REDACTED] to the clinic for a CDCR 7219 Medical Evaluation. Once Licensed Vocational Nurse (LVN) Baguion completed the Medical Evaluation I escorted inmate [REDACTED] to A-Facility Program Office. Officer Winkler assisted inmate [REDACTED] from the wheelchair and I returned to the clinic without further incident.

F. Orr

DATE: 08/27/2020

STAFF SIGNATURE

BADGE #: 70005

PERNR: 56462

NARRATIVE REVIEWED: Yes

REVIEWED BY STAFF: Clays, D [REDACTED]

REVIEWED DATE: 08/27/2020

REVIEWED TIME: 13:46:26